

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)	
)	
v.)	CRIMINAL NO. 04-10361-NG
)	
JOHN HANDY)	

JOINT PROPOSED JURY VOIR DIRE QUESTIONNAIRE

Defendant and the government, by and through their respective attorneys, hereby submit a proposed jury voir dire questionnaire to be completed by the members of the jury pool in advance of trial. A copy of the proposed questionnaire is attached as Exhibit A.¹ The parties are substantially in agreement on the questions to be included, with two exceptions that are highlighted in bold type within the questionnaire. Specifically, defendant objects to the government's proposed question **#15B** and the government objects to defendant's proposed question **#20**.

It is anticipated that once the Court has ruled and established a final version of the questionnaire, defendant will obtain a printed version that will enable four copies of the completed questionnaires to be made: the original will remain with the clerk under a protective order, the Court will receive a lobby copy, and each party will receive one copy.

¹For the Court's convenience, a copy of the questionnaire in WordPerfect form has also been sent to the clerk.

By this manner, the Court can achieve the selection of a jury which would be fair to both the government and defendant, and most importantly, would ensure that the jury's verdict is the product of an impartial group of citizens.

JOHN HANDY,
By His Attorney:

/s/ Timothy Watkins
Timothy Watkins
B.B.O. #567992
Federal Defender Office
408 Atlantic Ave. Third Floor
Boston, MA 02110
(617) 223-8061

CERTIFICATE OF SERVICE

I, Timothy G. Watkins, hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) on December 12, 2007.

/s/ Timothy G. Watkins
Timothy G. Watkins

JUROR'S LAST NAME _____

JUROR'S NUMBER _____

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES V. JOHN HANDY

JUROR QUESTIONNAIRE

TO THE PROSPECTIVE JUROR:

The information given in this questionnaire will be used only by the court and the parties to select a qualified jury. Once the jury is selected, all copies of this document will be returned to the court and maintained under seal, not accessible to the public or to the media. The attorneys are under orders to maintain the confidentiality of all information contained in the questionnaires.

Please answer the questions as completely and accurately as you can. Your complete written answers will save a great deal of time for everyone. There are no right or wrong answers to the questions. Please keep in mind the following:

- A. Do not consult with or talk to any other person in filling out the questionnaire.
- B. If you cannot answer a question because you do not understand it, write "Do not understand" in the space after the question. Do not ask court personnel for clarification.
- C. If you cannot answer a question because you do not know the answer, write "Do not know" in the space after the question.
- D. If you would prefer not to answer a question because of the private nature of your response, write "Private" after the question. At a later date, the court may inquire about the topic privately.

- E. Please do not write on the back of any page. Use the blank pages at the end of the form (front side only), where there is insufficient room on the form for your answer. When using the blank pages, please include the number of the question you are answering. If there is insufficient space even on the front of the blank pages to provide a complete answer, write as much as you can, then indicate "Need More Space" and stop. You may be given an opportunity to amplify later.
- F. Please (please) print or write legibly. Use the pen you have been given.
- G. Please do not discuss anything about this case with anyone, and do not read, listen to, or watch anything relating to this case. Until you are excused as a potential juror, or until the trial is over if you are selected as a juror, you are not to discuss this case, or allow yourself to be exposed to any discussion of this case in any format.

At the end of the questionnaire, please sign it, affirming the truth of your answers and the fact that you have given them without assistance. Thank you for giving your time to support this essential component of our democracy.

1. Name _____ Juror Number: _____
2. Age: _____ Sex: M _____ F _____
3. Address: _____
(City) (State) (Zip Code)

List first names and age of members of your household and their relationship to you.

4. Trial of this case is expected to last until December 20, 2007. Trial days will generally last from 9 a.m. to 5 p.m. Is there any reason why you would not be able to attend the trial every day? Yes _____ No _____

If yes, please explain: _____

5. Do you have any physical or medical problems which would make jury duty difficult for you? Yes _____ No _____

If yes, please explain: _____

6. a. How far did you go in school? _____
-

If you attended college, what were your major areas of study? _____

What, if any, type of college and/or postgraduate degree(s) have you received? _____

- b. Are you presently a student? Yes _____ No _____

If yes, describe course of study: _____

7. Do you have any special training or skills, or hold any professional or vocational licenses or certificates?

Yes _____ No _____

If yes, please describe. _____

8. What is your occupation? _____

Name of your employer: _____

Address of employer: _____
(City) (State)

Length of employment: _____

9. Are you: Married _____ Single _____

Living with significant other _____ Separated _____

Divorced _____ Widowed _____

10. Spouse's or significant other's:

Name: _____

Occupation: _____

11. Do you have children? Yes _____ No _____

If you have children, please list the sex and age of each child. If the child is over 18 years of age, please also list his/her current occupation.

Male/Female Age Occupation

12. Do you understand that regardless of any personal opinions or feeling you may have about this case, that you must accept the law regarding it from the Court? Yes ____ No ____

13. Do you hold any philosophical, moral, or religious beliefs which would make it difficult for you to sit as a juror in this case? Yes ____ No ____

14. An indictment is only a way of bringing a criminal charge against a defendant. It is not evidence. Do you have any feeling that the defendant probably is guilty, simply because he has been charged in this case? Yes ____ No ____

15. A. The defendant has pleaded "Not Guilty" to the charge before him and by doing so, has denied the charge. Under our Constitution, a defendant in a criminal case is presumed to be innocent unless and until the government proves all elements of the charge beyond a reasonable doubt. Would you have any difficulty presuming the defendant to be innocent of the charge against him? Yes ____ No ____

DEFENDANT OBJECTS TO THE GOVERNMENT'S PROPOSED QUESTION #15B:

B. If you believed that the government had proven all of the elements of the charge beyond a reasonable doubt, would you have any difficulty presuming the defendant to be guilty of the charge against him? Yes ____ No ____

16. The government must prove the charge against the defendant beyond a reasonable doubt. If you did not believe that the government had met that burden, but believed that the defendant was probably guilty, would you have any difficulty returning a verdict of not guilty? Yes _____ No _____
17. A defendant in a criminal case does not have to present any evidence or testify. If a defendant does not testify, that fact cannot be considered against him in any way. Would you expect a defendant who is innocent to testify? Yes _____ No _____
18. Would you have any difficulty acquitting a defendant who did not testify or did not present evidence? Yes _____ No _____
19. The defendant is charged with possession of a gun. You have heard no evidence in this case yet. Would you disregard the judge's instruction that the defendant is "innocent until proven guilty beyond a reasonable doubt" simply because of the nature of the crime?
- Yes _____ No _____

THE GOVERNMENT OBJECTIONS TO DEFENDANT'S PROPOSED QUESTION #20:

20. In this case, Mr. Handy is charged with being a felon in possession of a firearm. Being a felon simply means that he was previously convicted of a crime that carries a potential penalty of more than one year. You will hear that there is not dispute that Mr. Handy been previously convicted of a crime. It is, however, irrelevant to your decision what crime he was previously convicted of. Does the fact that he has previously been convicted of a crime lead you to believe he is likely to have possessed a firearm in this case?
- Yes _____ No _____
21. In this case the defendant is African-American. Do you have any attitudes toward African-Americans or people of color generally that could influence you in deciding this case?
- Yes _____ No _____
22. A. Do you believe that African-Americans are more likely to commit crimes than persons of other races?
- Yes _____ No _____
- B. Do you believe that African-Americans are less likely to commit crimes than persons of other races?

Yes ____ No ____

23. A. Do you believe that African-Americans are more likely to possess firearms than persons of other races?

Yes ____ No ____

- B. Do you believe that African-Americans are less likely to possess firearms than persons of other races?

Yes ____ No ____

22. Please describe any social, political, civic, community or religious groups or organizations which you participate in, and whether you have held any leadership roles in them.

23. Have you or your spouse ever had any legal training?

Yes ____ No ____

If yes, please describe that training:

24. Have you, or any of member of your immediate family, or anyone with whom you are close ever been:

- a) arrested or charged with a crime;
- b) a victim of a crime; or
- c) involved in a criminal case, whether as a witness, a victim, or a defendant?

Yes ____ No ____

If your answer is yes, please describe each such incident, giving the date, who was involved (you or relative/friend), and what kind of crime was involved.

<u>Date</u>	<u>Who and How Involved</u>	<u>Kind of Crime</u>
-------------	-----------------------------	----------------------

-
25. Have you or anyone in your family had any experience with a government agency that would cause you to feel prejudice for or against the government?

Yes ____ No ____

26. Have you, your spouse, or any of your relatives or close friends ever been employed in law enforcement? This includes, but is not limited to, employment as a police officer, state trooper, sheriff, correctional officer, probation or parole officer, federal agent, and security guard.

Yes _____ No ____

If yes, name of agency and position: _____

-
27. Would you treat the testimony of a law enforcement officer differently from that of any other witness? Yes ____ No ____

28. Have you had prior jury trial service? Yes ____ No ____

If your answer is yes, please indicate whether the case was

Criminal ____ Civil ____

Is there anything about your prior jury service that might affect your ability to be fair and impartial in this case?

Yes ____ No ____

29. If your prior jury service was in a civil case, do you understand that the burden of proof is much higher in this case, because the defendant is charged with a crime and the prosecutor must prove the case beyond a reasonable doubt?

Yes ____ No ____

30. Have you, or any family members or close friends ever worked for a United States Attorney's Office, a State Prosecutor's Office, a criminal defense attorney, or a public defender?

Yes ____ No ____

If your answer is yes, for each such person, please list in what office the person works, and what your relationship is

to that person.

Office Worked In Relationship

-
31. Do you know personally or have you ever known personally anyone who has been convicted of or pleaded guilty to a crime? Yes _____ No _____

If yes, for each person, state that person's relationship to you and the name of the crime and sentence imposed, including probation:

-
32. Has anything you have heard, read, or seen regarding gun possession that affected you in any way that would prevent you from deciding this case solely upon the evidence produced at trial?

Yes _____ No _____

33. Are you aware of any bias or opinions that would in any way impair your ability to evaluate and judge fairly and impartially the facts of this case?

Yes _____ No _____

34. Is there any reason, apart from those set forth above, that causes you to doubt your ability to be a fair and impartial juror in this case?

Yes _____ No _____

I do hereby certify that the answers which I have given in this questionnaire are true and complete to the best of my knowledge and belief.

(Print Name)

(Signature)_____

(Date)